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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,297	01/22/2002	Heinz Walter	740116-358	4774

22204 7590 05/11/2005

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EXAMINER	
WEST, JEFFREY R	

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/051,297	**Applicant(s)** WALTER ET AL.	
	Examiner Jeffrey R. West	**Art Unit** 2857	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on *22 February 2005*. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-17*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Continuation of 11:
Applicant first argues that, contrary to the invention as claimed, "[i]n the Roper reference, the output of the 'sensor detector circuit 16' is not an impressed output current."
The Examiner asserts that Applicant has not provided any indication as to why the output current of Roper is not considered to be "impressed". The most applicable definition of "impressed" seems to be "impression, effect" with "impression" being defined as "a characteristic, trait, or feature resulting from some influence". Therefore, Roper's teaching of outputting a current that is "representative of a value of the process variable", meets the most applicable definition of "impressed".

Applicant then argues that "from the meaning of the word 'end stage,' it should be clear, that an end stage is not close to the sensor of an electrical transducer but rather is at the output (end) of the transducer."
The Examiner asserts that the claims do not require that the end stage be at the output of the transducer. Further, the Examiner asserts that one having ordinary skill in the art could have a wide variety of interpretations of the term "end stage" but since the term is referred to as an "analog end stage", one having ordinary skill in the art would most likely interpret the "analog end stage" to be at an "end" of an analog section, as in the invention of Roper, rather than the "end" of the transducer itself.

Applicant also argues that "the 'analog circuits 44' and 'level shifts 48' –which the Examiner seems to compare with the analog measurement signal transmission path – is also connected serially between the sensor 14 and the processor circuit 50. Therefore, if the processor circuit would be shifted in normal operation of the transducer temporarily into a sleep mode –which is not the case in the Roper reference – the analog circuits 44 and the digital circuits 46 could not be active when the processor circuit is in the sleep mode (see description of paragraph [0012] the patent application). Therefore, an analog measurement signal transmission path, called for by the amended claim 1, is not realized."
The Examiner asserts that this argument is not persuasive since Applicant is using details from the instant specification to interpret the teaching of Roper and not referring to the teachings of the Roper reference with respect to specific claimed limitations (i.e. the limitations of claim 1 only require that the analog measurement signal transmission path is between the sensor and analog end stage and includes an analog scaling unit.

Applicant then argues that, in the invention of Roper, "[t]he operation power for the digital system circuit and the operation power for the analog measurement system are separated, so that they are not the same anymore. The power, which is not 'needed' by the transmitter is additionally shifted to the analog circuits, but although the power for the transmitter is reduce[d], it is not shifted temporarily into a sleep mode. Thus, although the object of the present invention and the object solved by Roper are very similar, the solution disclosed by Roper is totally different from the solution of the present invention."

The Examiner asserts that the instant specification indicates, "the power consumption of a microprocessor is generally greater than the current of 4 mA which is available in the least favorable case. To reduce the power consumption of the processor circuit which generally has a microprocessor, in the electrical transducer of the invention, in normal operation, the processor circuit of the transducer is temporarily shifted into the sleep mode" (page 5, paragraph 0011).
The invention of Roper indicates that during normal operation "since it is not possible to increase power to the transmitter, it is necessary to either re-allocate power or increase power efficiency to increase the resolution such that greater sensor rangeability is achievable." To carry out this aspect, "the analog measurement circuit is operated at a high voltage and the digital circuit is operated at a low voltage, with the high voltage being selected so that the power consumed by the analog measurement circuit is no more than 18 mW minus the power consumed by the digital circuit and the current drawn by the analog measurement circuit is no more than 3 mA minus the current drawn by the digital circuit", wherein the digital circuit includes the processor.

In light of the sections cited above, both the instant specification and the invention of Roper describe a sleep mode by reducing the power consumption of the processor circuit during normal operation and therefore the invention of Roper does disclose temporarily shifting the processor into a low-power sleep mode during normal operation.